

FEDERAL COMMUNICATIONS COMMISSION
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SEP 16 2009

Gabriel Arango, President
Siga Broadcasting Corporation
1302 N. Shepherd Drive
Houston, Texas 77008-3752

In re: Siga Broadcasting Corporation (Siga)
KAML(AM), Kennedy-Karnes City, Texas
Facility Identification No. 17322
File No. BP-20090204ABW

Dear Mr. Arango:

This letter is in reference to: the above-captioned minor change application filed by Siga to change site, patterns, and city of license from Kennedy-Karnes City, Texas, to Mathis, Texas; and the August 4, 2009, amendment.

A preliminary review of the amended application reveals that:

1. The proposed nighttime facility will enter and increase the 25% RSS limit of co-channel Class B stations KSVP, Artesia, New Mexico, and KTKT, Tucson, Arizona, in violation of Section 73.182 of the Commission's rules. The KSVP RSS limit of 10.6 mV/m is comprised of the contributions of 6.0 mV/m from CBW, 5.2 mV/m from KTKT, 4.9 from KFCD, 3.8 mV/m from KRKS, and 3.2 mV/m from XEER. The KTKT RSS limit of 7.4 mV/m is comprised of the contributions of 4.8 mV/m from CBW, 2.9 mV/m from XEER, 2.6 mV/m from KRKS, 2.6 mV/m from KSVP, 2.5 mV/m from XEPI, and 2.0 mV/m from KFCD.
2. The proposal will enter and increase the 50% RSS limit of co-channel station XENVA2, Altares, Coahuila, Mexico in violation of the U.S/Mexican Agreement. The XENVA2 RSS limit of 8.9 mV/m is comprised of the contributions of 5.9 mV/m from KFCD, 5.0 mV/m from XEPI, and 4.4 mV/m from XE.
3. The proposal will enter and increase the 50% RSS limit towards co-channel station XEER, CD Cuauhtemoc, Chihuahua, Mexico, in violation of the U.S/Mexican Agreement. The XEER RSS limit of 8.8 mV/m is comprised of the contributions of 6.7

mV/m from KTKT, 4.2 mV/m from XEPI, and 4.0 mV/m from XEBC.

4. The nighttime interference free (NIF) contour map exhibit depicted an incorrect contour of 8.3 mV/m. The correct contour is the 9.4 mV/m contour, comprised of contributions from two stations KFCD and XEPI. Siga may not use objected Mexican records or Region II List B stations, such as HJDB, in the RSS calculations toward US stations. Questions concerning the accepted foreign station records should be directed to George Fehlner of the International Bureau at (202) 418-2197.
5. The amended environmental statement is unacceptable. We recommend that Siga review the checklist prepared by the Wireless Telecommunications Bureau (See web page http://wireless.fcc.gov/siting/EA_checklist.pdf) to support environmental statement conclusions.
6. The tower registration numbers for the proposed towers with corrected overall height 77.7 meters were not submitted (only notified to the FAA).

For the reasons stated above, under Section 0.283 of the Commission's Rules, the application (File No. BP-20090204ABW) is HEREBY DISMISSED as unacceptable for filing.¹

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Bob Morrow

¹ In the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was returned and where a relatively minor curative electronic amendment was filed in conjunction with a paper-filed petition for reconsideration within 30 days of the date of the dismissal. Any electronic amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 1.106(f). In this regard, it should be emphasized that the above deficiencies were discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing or result in a subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, I would urge that the applicant carefully review the entire application.